

Before the FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

COMMENTS OF Steve Gimbert

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W47BD is very concerned about the outcome of the Sixth Further Notice of Proposed Rule Making of the FCC regarding Advanced Television or DTV. W47BD has made a commitment to providing quality programming to the citizens of Findlay, Ohio. Currently, W47BD provides nearly 150,000 households with local community programming that is unavailable from any other sources.

W47BD currently broadcasts more than 20 hours per week of unique local programming. The majority of this local programming is live. Numerous local investors have contributed in excess of \$2,500,000 to make W47BD the voice of the people of Findlay. W47BD provides low-cost community access and allows special interest groups, small businesses, and individuals an opportunity to participate in local community television. Without W47BD in Findlay, there is no outlet for these groups to participate in free, over the air broadcasting.

The current ATV/DTV proposal as outlined in the Sixth Further Notice of Proposed Rule Making of the FCC would eliminate W47BD as an operating broadcast station. While we at W47BD believe that digital television has a future and we are interested and committed to converting to digital television at such time as the public is ready for it, we do not believe that the method that the FCC is proposing in the Sixth Further Notice is fair, equitable, nor is it in the best interest of all parties, including the consumers.

Many years ago, LPTV was set up as a secondary service to NSTC and investors built stations with that understanding. That does not mean that LPTV is automatically secondary to any new service that is created. If PTV is to be put in front of LPTV, it should be done in a manner which minimizes the effect to LPTV. The FCC completely ignored the existence of low power television in their allocation process. By simply looking at other alternatives, a majority of the low power stations, and in particular W47BD, would not be eliminated nor relocated to accommodate digital television in markets such as Findlay. Failure to even consider LPTV is not a fair and equitable process.

The concept of providing a full power station a second channel at the expense of small business operations violates our American concept of fair and equitable treatment for small businesses. As I mentioned previously, 100 investors in Findlay have expended more than \$2,500,000 to build this station. They have invested their money, time and efforts and have created a station that not only provides a valuable service to Findlay, but also makes a profit. Taking away our channel and providing no compensation is not a fair solution. Investors have expended money and effort into a small business that is now profitable and are threatened by extinction so that other large broadcasters can broadcast a duplicate second signal in a format that nobody in Findlay can currently pick up. This is a clear example of the exploitation of a small business by big business, lobbyist, and government bureaucracies.

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LPTV is the affordable voice of the community. It is an inexpensive way for local businesses, people and minority groups to have access to free over the air television. Without LPTV, there will be no affordable access for these parties. The Sixth Further Notice fails to adequately protect the interest of these groups in an equitable manner, and is not in the best interest of the people of this country. LPTV should not be ignored simply because it would take too much computer time or that it would be too expensive is not acceptable. Under the current plan, the FCC is giving full power stations billions of dollars of spectrum for free. If it costs time and money to try and protect LPTV stations, the full power stations who are benefiting from this massive give-away should pay the costs.

There are other methods that would take into consideration low power television and allow the development of digital television and, in fact, actually speed the development process. For example, rather than try to assign a frequency to each full power station, authorize each full power station a second channel but do not specify which channel. The full power station then may apply for an open channel in their market on a first come, first serve basis. If no open channels are available, then the full power stations could select a LPTV channel and force a LPTV station to relocate. However, the full power station would have to compensate the LPTV station for all its costs incurred to date, and for its loss of revenues until the LPTV channel is reinstated back on the air. To prohibit full power stations from filing and locking up channels which they do not intend to use, the construction period for the digital television would be a relatively short time, perhaps 12 months or less without any extensions available. This would force them to move at a rapid pace once they filed for a channel. This process would also encourage full power stations to immediately begin the process of converting to digital television so that they could acquire an open channel that would not require them to compensate someone who is relocated. Since there are many stations that will not convert to digital in the foreseeable future, many of the currently allocated channels would not be needed and a majority of the LPTV stations could remain on the air. In addition, the FCC should allow LPTV stations to convert to digital and give them a primary status once they convert. In this manner, LPTV stations could be properly protected and adequately compensated if, in fact, they are forced to relocate or go off the air.

In addition to the proposal that specific channels not be assigned to full power stations for the conversion process, W47BD endorses a consensus technical proposal which the Community Broadcasting Association (CBA) has put forth which would preserve the spectrum space for low power broadcasters and would protect full power broadcasters. In addition, we support the initiatives of the CBA on behalf of all community broadcasters which would eventually allow our inclusion into the digital broadcasting conversion. Further, we urge the FCC to preserve the commitment to the public interest on a truly local level by preserving broadcasters who truly serve the local public interest and, in particular, those in which no broadcasting outlet serves on a continuous basis.

Wherefore, for the foregoing reasons, this petitioner respectfully requests that the Commission revise the rules and policies proposed in the Sixth Further Notice by incorporating the proposals written above and to help preserve low power broadcasters who serve the local public interest.

Respectfully submitted,

W47BD



Steve Gimbert
Director of Engineering